

SUMMARY AND IMPLEMENTATION PLANS 2002 CHAPTERED LEGISLATION

ADULT COMMUNITY CARE FACILITIES AND RESIDENTIAL CARE FACILITIES FOR THE CHRONICALLY ILL

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Unless otherwise noted, all new legislation becomes effective on January 1, 2003.

When conducting visits, LPAs should ensure that providers are aware of any new requirements.

ACTION REQUIRED

SB 1982 (PERATA), CHAPTER 773, STATUS OF 2002

Affects: Adult Day Care Facilities and Adult Day Support Centers

Subject: Consolidation of Adult Day Care Facilities and Adult Day Support Centers

Summary: This legislation amends Sections 1502, 1523.1, and 1531.2 adds Section 1530.1 and repeals Section 1520.2 of the Health and Safety Code. Adult day facilities and adult day support centers have been consolidated into a single category called "Adult Day Program." The legislation requires the Department to adopt regulations to combine the existing categories into this single program.

Implementation:

As of January 1, 2003, separate facility types for adult day facilities and adult day support centers no longer exist and are now known as Adult Day Programs. The LIS program is being revised so that the license for adult day care facilities licensed after January 1, 2003 will read "Adult Day Programs". Until the Department adopts the required regulations, there will be no change in the oversight of either of the adult day program categories. For purposes of oversight, the facility will be held to the standards of the facility type checked on the LIC 200, either an Adult Day Facility or an Adult Day Support Center.

Policy staff will be working with provider associations and providers to develop a single set of standards in areas such as Personnel Requirements, Administrator Qualifications, etc. in which regulatory differences exist between the two-day programs. Once those regulations become effective, those facilities licensed prior to January 1, 2003 will be issued a new license reflecting the category change to "Adult Day Program."

INFORMATION ONLY - NO ACTION REQUIRED

AB 1425 (THOMPSON), CHAPTER 428, STATUTES, OF 2002

Affects: Adult Residential and Social Rehabilitation Facilities

Subject: Persons With Disabilities: Community Living Support Services

Summary: This legislation adds Section 1504.5 to the Health and Safety Code to clarify that any independent living arrangement of individuals with disabilities who are receiving “community living support services” are exempt from licensing. “Community living support services” are defined as voluntary and chosen by persons with disabilities in accordance with their preferences and goals for independent living. “Community living support services” may include, but are not limited to, the following:

- Supports designed to develop and improve independent living and problem solving skills.
- Education and training in meal planning and shopping, budgeting and managing finances, medication self-management, transportation, vocational and educational development, and the appropriate use of community resources and leisure activities.
- Assistance with arrangements to meet the individual’s basic needs such as financial benefits, food, clothing, household goods, and housing, and locating and scheduling for appropriate medical, dental, and vision benefits and care.

Section 1504.5 also permits counties to contract with agencies or individuals to assist persons with disabilities in securing their own homes, including supportive housing, and to provide persons with disabilities with the supports needed to live in their own homes. Housing arrangements defined in this section will vary and may include both adult and elderly populations in the same setting.

Licensing staff responding to a complaint of unlicensed care should first establish the control of the property issue which may include a review of the rental and/or lease agreement to identify the housing arrangement. This legislation does not change current licensing requirements.

INFORMATION ONLY – NO ACTION REQUIRED

AB 2659 (RUNNER), CHAPTER 623, STATUTES OF 2002

Affects: Child Care Facilities; also affects Community Care Facilities, Residential Care Facilities for the Chronically Ill and Residential Care Facilities for the Elderly.

Subject: Certification of Fingerprint Rollers

Summary: This legislation adds Section 11102.1 to the Penal Code. This section requires the Department of Justice (DOJ) to establish, implement and maintain a certification program for individuals who roll applicant fingerprint impressions for licensure, certification or employment purposes. This section authorizes DOJ to charge a fee sufficient to cover costs of the certification program and requires persons who roll fingerprint impressions to submit fingerprints to the DOJ for a criminal background clearance.

This section also requires DOJ to work with applicant regulatory entities to improve and make more efficient the criminal offender record information request process.

SB 900 (ORTIZ), Chapter 627, Statutes of 2002

Affects: Child Facilities; also affects Community Care Facilities, Residential Care Facilities for the Chronically Ill and Residential Care Facilities for the Elderly

Subject: Department of Justice Criminal History Dissemination Criteria

Summary: This legislation amends the Penal Code to consolidate, from nine categories to six, the dissemination criteria that the Department of Justice uses to provide criminal history summary information to requesting departments.